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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013 - 550*

12 **JASON JOSEPH ALLEN**
13 547 Norwich
14 West Hollywood, CA 90048

A C C U S A T I O N

15 Registered Nurse License No. 584705

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about August 1, 2001, the Board issued Registered Nurse License No. 584705
23 to Jason Joseph Allen (Respondent). The Registered Nurse License was in full force and effect at
24 all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 initiative act referred to in that division."

2 7. Section 2750 provides that the Board may discipline any licensee, including a
3 licensee holding a temporary or an inactive license, for any reason provided in Article 3
4 (commencing with section 2750) of the Nursing Practice Act.

5 8. Section 2761 states, in pertinent part:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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10 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
12 Act] or regulations adopted pursuant to it.

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14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof. . . ."

17 9. Section 2762 states, in pertinent part:

18 "In addition to other acts constituting unprofessional conduct within the meaning of this
19 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
20 chapter to do any of the following:

21 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
22 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
23 administer to another, any controlled substance as defined in Division 10 (commencing with
24 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
25 defined in Section 4022.

26 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
27 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
28 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof. . . ."

8 10. Section 2764 provides that the expiration of a license shall not deprive the Board of
9 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision
10 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
11 expired license at any time within eight (8) years after the expiration.

12 **REGULATORY PROVISION**

13 11. California Code of Regulations, title 16, section 1444 states, in pertinent part:

14 "A conviction or act shall be considered to be substantially related to the qualifications,
15 functions or duties of a registered nurse if to a substantial degree it evidences the present or
16 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
17 safety, or welfare. . . ."

18 **COST RECOVERY**

19 12. Section 125.3 provides that the Board may request the administrative law judge to
20 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
21 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
22 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a
23 case settles, recovery of investigation and enforcement costs may be included in a stipulated
24 settlement.

25 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

26 13. Cocaine is a Schedule I controlled substance pursuant to Health and Safety Code
27 section 11054(f)(1), a Schedule II controlled substance pursuant to Health and Safety Code
28 section 11055(b)(6) and categorized as a dangerous drug according to section 4022.

1 14. Ecstasy, the street name for Methylenedioxymethamphetamine (MDMA), is a
2 Schedule I controlled substance as defined in Health and Safety Code sections 11054, subdivision
3 (d), and 11401 [the Analog Act].

4 15. Phentermine, a stimulant, with brand names of Adipex and Fastin, is a Schedule IV
5 controlled substance pursuant to the Health and Safety Code section 11057, subdivision (f)(4),
6 and categorized as a dangerous drug according to section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Conviction of a Substantially Related Crime)**

9 16. Respondent is subject to disciplinary action under sections 490 and 2761,
10 subdivision (f), and California Code of Regulations, title 16, section 1444, in that on or about
11 November 9, 2010, Respondent was convicted of a crime substantially related to the
12 qualifications, functions or duties of a registered nurse which to a substantial degree evidences his
13 present or potential unfitness to practice in a manner consistent with the public health, safety, or
14 welfare, as follows:

15 a. On or about November 9, 2010, after pleading nolo contendere, Respondent was
16 convicted of one interlineated misdemeanor count of violating Vehicle Code section 23103
17 [reckless driving involving alcohol] in the criminal proceeding entitled *The People of the State of*
18 *California v. Jason Joseph Allen* (Super. Ct. Los Angeles County, 2010, No. 0MP08172). The
19 Court placed Respondent on 36 months probation, ordered him to complete 10 days of Cal Trans
20 duty, ordered him to complete a Three-Month Alcohol Program, and ordered him to complete
21 Alcoholic Anonymous meetings, two (2) per week.

22 b. The circumstances underlying the conviction are that on or about June 22, 2010,
23 Respondent admittedly drove after drinking alcohol and having a tested 0.13/0.11% blood alcohol
24 content (BAC).

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Alcohol Related Conviction)**

27 17. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
28 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about

1 November 9, 2010, Respondent was convicted of a crime involving the consumption of alcoholic
2 beverages. Complainant refers to and by this reference incorporates the allegations set forth
3 above in paragraph 16, subparagraphs a and b, inclusive, as though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Alcohol)**

6 18. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
7 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about June 22,
8 2010, Respondent dangerously used alcoholic beverages to an extent or in a manner dangerous or
9 injurious to himself or others. Complainant refers to and by this reference incorporates the
10 allegations set forth above in paragraph 16, subparagraphs a and b, inclusive, as though set forth
11 fully.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Obtain / Possess Controlled Substances)**

14 19. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
15 and 2762, subdivision (a), in that on or about April 11, 2010, Respondent obtained or possessed
16 controlled substances and dangerous drugs, without valid prescriptions, as follows:

17 a. On or about April 11, 2010, admittedly while under the influence of a controlled
18 substance, Respondent ran in the middle of city streets and caused a moving vehicle to swerve to
19 avoid hitting him, and he fled from a pursuing Palm Springs Police officer. Respondent was
20 found in possession of one (1) Ecstasy pill, 5.8 grams of Cocaine, and one (1) Phentermine pill,
21 and one (1) unidentified pill all, without valid prescriptions.

22 b. Subsequently, on or about August 30, 2010, the Court placed Respondent on the
23 Deferred Entry of Judgment Program for 18 months after he plead guilty to a felony violation of
24 Health and Safety Code section 11377(a) [unlawful possess a controlled substance], and a
25 misdemeanor violating of Business and Professions Code section 4060 [possess a controlled
26 substance without a valid prescription] in the criminal proceeding entitled *The People of the State*
27 *of California v. Jason Joseph Allen* (Super. Ct. Riverside County, 2010, No. INF10001738). On
28 or about April 23, 2012, the Court dismissed the proceeding after Respondent successfully

1 completed the Deferred Entry of Judgment program.

2 **FIFTH CAUSE FOR DISCIPLINE**

3 **(Unprofessional Conduct / Violate Nursing Practice Act)**

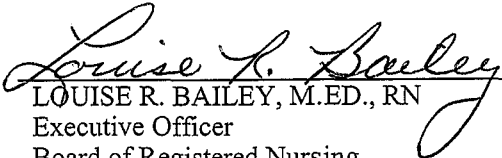
4 20. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
5 or (d), in that Respondent committed acts of unprofessional conduct and / or acts violating the
6 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set
7 forth above in paragraphs 16 - 19, inclusive, as though set forth fully.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board issue a decision:

- 11 1. Revoking or suspending Registered Nurse License No. 584705, issued to Jason
12 Joseph Allen;
- 13 2. Ordering Jason Joseph Allen to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: JANUARY 17, 2013

19 
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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